

5234. Misbranding of "Sulphur Bitters." U. S. * * * v. Allen P. Ordway (A. P. Ordway & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 7621. I. S. No. 3321-1.)

On October 2, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allen P. Ordway, trading as A. P. Ordway & Co., New York, N. Y., alleging the sale by said defendant, on June 8, 1915, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the said act as amended, of a quantity of "Sulphur Bitters", which was a misbranded article within the meaning of the said act, as amended, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about June 12, 1915, from the State of New York into the Island of Porto Rico, in further violation of said act as amended. The article was labeled in part: "* * * Dr. Kaufmann's Sulphur Bitters * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)----- 21.4
 Wild cherry: Indicated.
 Emodin: Present.
 Aloes: Present.
 Sulphur: Present in suspension.

It was charged in substance in the information that the article was misbranded for the reason that certain statements on its label falsely and fraudulently represented it as a remedy for dyspepsia, piles, dysentery, pains in the head, tapeworms, gout, scrofula and scrofulous humors, hay fever, rheumatism, neuralgia, malarial fever, cancer, diseases of the liver, skin diseases, pains in the back, side, and shoulders, the elimination from the system of all remnants of scrofula, affections of the skin, erysipelas, venereal diseases, headaches, hemorrhoids, chronic rheumatism, and catarrh, as a preventive of consumption, and effective to produce beneficial effects in all infirmities peculiar to women, for the young or old, married or single, as a remedy for leucorrhea, painful menstruation, falling of the uterus, sterility, suppression, urinary troubles, and all ulcerations of the uterus and vagina, indigestion, dropsy, pustules, headache, and diseases of the kidneys, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a treatment and remedy for psoriasis, herpes, erysipelas, tinea, carbuncles, pemphigus, rupia, diabetes, scrofula, ulceration of the eyes, scurvy, and syphilis, and malarial and intermittent fevers; and as effective to eliminate and to start the elimination of ulcers from the stomach, to prevent the recurrence of syphilis, and to neutralize the malarial causes, and as a treatment for diseases of the nerves, when, in truth and in fact, it was not.

On November 20, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*